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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,521	12/21/2001	Masanori Fukada	7372/72252	2143

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CHICAGO, IL 60603-3406

EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 04/01/2003

5-

Please find below and/or attached an Office communication concerning this application or proceeding.

*[Handwritten signature]*

**Office Action Summary**

Application No.

10/024,521

Applicant(s)

FUKADA ET AL.

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                                              |                                                                             |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other:                                          |

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**Detailed Action**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the dimension of density (d) is not specified. It is not clear from the claim language whether the dimension of density is  $\text{gms/cm}^3$  or  $\text{kg/m}^3$ . In absence of dimension claims are indefinite and confusing.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. Patent 6,274,691 B1) in view of Brambilla (U.S. Patent 5,916,692).

Suzuki et al disclose a blown film, which can be a multi-layer or a single layer comprising a layer of linear low-density polyethylene produced by an ionic polymerization method and having a cold xylene-soluble portion in term of % by weight which appears to fall within claimed amount of equation (2) (abstract). Suzuki et al do not disclose three layer structure of a multi-layer film having a middle layer made of a

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blend of linear low density polyethylene and low density polyethylene. Suzuki et al's disclosed polyethylene layer results superior in low odor, low taste transfer and mechanical properties (col. 2, lines 1-5). Suzuki et al suggest addition of low-density polyethylene to their polyethylene for transparency and melt tension (col. 4-lines 35-40). Suzuki et al disclose commercial polyethylene such as Sumikasen E FV 403 (col. 6, lines 40-49), which appears to be same as Sumikathen E FV 403 of instant disclosure (Example 1). Therefore, all properties not disclosed by Suzuki et al are deemed to be inherently there unless shown otherwise.

Brambilla teaches a multi-layer film having outer layers linear low-density polyethylene made using metallocene catalyst (col. 3, lines 50-58). Brambilla suggest middle layer made of a blend of linear low-density polyethylene and a low-density polyethylene for transparency and improved physical properties (col. 4, lines 21-30). Bramilla suggest outer layers of linear low-density polyethylene with density 0.895-0.910 g/cm<sup>3</sup> for adhesive properties (col. 2, lines 42-50) and linear low-density polyethylene with density of about 0.930 g/cm<sup>3</sup> for sliding properties (col. 2, lines 51-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Brambilla in the invention of Suzuki et al to use middle layer of Brambilla for transparency and physical properties and outer layers of linear low density polyethylene such as Sumikasen E FV 403 for odor, taste and impact strength.

No claims are allowed.

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5. Receipt of Information Disclosure statement filed April 19, 2002 is acknowledged and has been made of record. The Japanese document JP 10-323948 A recited on PTOL 1449 has been considered to the extent of provided an English language abstract.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. S. Nakarani whose telephone number is (703) 308-2413. The examiner can normally be reached on Tuesday-Friday from 7 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Paul J. Thibodeau can be reached on (703) 308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

D.S. Nakarani/dh  
April 1, 2003

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**